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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,122

02/04/2004

David S. Majkrzak

C136.12-0016

4277

7590

02/09/2005

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/772,122

Applicant(s)

MAJKRZAK, DAVID S.

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 6, 8, 9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ream.

In regards to claims 1-5, Ream discloses a knife section for a reciprocating sickle bar for a harvester, said knife section (40) being flat and having a top surface plane and comprising a base (42), the knife section having a leading end (46) spaced from the base (42), mounting holes (52) in the base (42) for securing the knife section (40) to a support bar (12), the knife section (40) having a central dividing plane perpendicular to the top surface plane of the knife section (40) and the base (42) having side edges parallel to the central dividing plane, the leading end (46) being of substantially less lateral width perpendicularly to the center dividing plane than a width between the side edges of the base (42), a pair of cutting edges (48, 49), one on each side of the knife section (40) and each cutting edge (48, 49) defining a cutting line that continually moves away from the center plane of the knife section (40) from a first end of such cutting line adjacent the leading end (46) to a second end of the cutting line at a junction of the cutting line with a respective side edge on the respective side of the base of the knife section (40), and each cutting line being concave with respect to a straight line between the first and second ends of the respective cutting line, as per claim 1; and

wherein said leading end (46) has a surface transverse to the central plane of the knife section (40), as per claim 2; and

wherein said each side edge (42) is substantially between 40% and 50% of the distance from a base end (42) of the knife section (40) to the leading end (46) thereof, as per claim 3; and

wherein said cutting line (44) is part of a circle, as per claim 4; and

wherein each cutting edge (48, 49) is serrated, with outer serration points lying along the respective cutting line (44), as per claim 5.

3. In regards to claims 6 and 8, Ream discloses a knife section (40) for a reciprocating sickle, the knife section (40) having a leading end (46) and a base end (42) with side edges (48, 49), a pair of smoothly curved concave cutting edge lines (44) extending from the leading end (46) to a respective side edge without reducing the distance from the cutting edge line to a central plane perpendicular to the knife section (40), as per claim 6; and

Wherein each cutting edge line (44) lies along points of cutting edge serrations on the knife section (40), as per claim 8.

4. In regards to claims 9 and 11-13, Ream discloses a double edge knife section (40) for a reciprocating sickle, the knife section (40) having a leading end (46) and a base end (42) with opposite side edges (48, 49), a knife section plane (40) extending between the side edges (48, 49), a pair of smoothly curved concave cutting edge lines (44) extending from the leading end (46) to a respective side edge of the base (42), the distance from each cutting edge line (44) to a bisecting central plane perpendicular to the knife section plane (40) expanding in a concave

curve continually from adjacent the leading end (46) to the respective base side edge (42), as per claim 9; and

Wherein each cutting edge line (44) lies along points of cutting edge serrations on the double edge knife section (40), as per claim 11; and

Wherein the double edge knife section (40) is symmetrical with respect to the bisecting central plane, as per claim 12; and

Wherein the edges (48, 49) of the knife section taper from the cutting edge line upwardly toward the central plane, as per claim 13.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ream in view of Yang et al., hereafter Yang.

The device is disclosed as applied above. However, Ream fails to disclose wherein each cutting line lies along a smoothly sharpened edge of the knife sections, as per claims 7 and 10.

Yang discloses a similar device wherein each cutting line (58) lies along a smoothly sharpened edge of the knife sections, as per claims 7 and 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the smooth line of Yang on the device of Ream in order to support a variety of applications.

### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

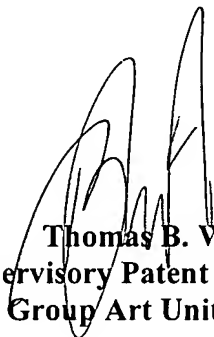
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3671

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
February 7, 2005